

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF PUERTO RICO

CRIMINAL CASE NO. 00-851(JAF)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MURLID DATWANI, a/k/a MARK D.
DATWANI, a/ka MARK DATWANI,

Defendant.

IN RE: REAL ESTATE PROPERTY
LOCATED AT 30 A INDIAN CREEK
DRIVE, INDIAN CREEK, FLORIDA;
MORE FULLY DESCRIBED AT THE
MIAMI-DADE COUNTY PUBLIC
RECORDS OFFICE AS FOLLOWS:

LOT 30 OF INDIAN CREEK GULF
CLUB ISLAND, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN
PLAT BOOK 34, AT PAGE 33, OF THE
PUBLIC RECORDS OF MIAMI DADE
COUNTY, FLORIDA.

**ORDER VACATING *LIS PENDENS* UNDER THE CONDITION THAT NET
PROCEEDS FROM THE SALE OF THE ABOVE DESCRIBED PROPERTY,
TOTALING \$4,233,069.00 BE PLACED IN THE MARSHAL'S FUND
PENDING FURTHER COURT PROCEEDINGS**

THIS CAUSE came before this Court upon the Motion filed by Masuki Naemura ("Naemura"), Hiromo Yamamoto ("Yamamoto"), and Beach Investment Corporation ("BIC"), to vacate the *Lis Pendens* on the above styled property so as to allow the sale of said property, with the condition that the proceeds from said sale totaling \$4,233,069.00 be

placed into the Marshal's Fund pending further action by the Court. The Court has considered said motion, has reviewed the second superseding indictment which seeks forfeiture of up to \$4,233,069.00, has reviewed the contract for the Sale and Purchase of said property and is otherwise fully advised in the premises. Accordingly, it is hereby

ORDERED AND ADJUDGED:

That said Motion is **GRANTED**. This Court hereby orders that the United States Attorney's Office file a release of the *Lis Pendens* placed on the above styled property immediately so as to allow the sale of said property to the buyers listed in the contract submitted to this Court. At the time of closing, net proceeds totaling \$4,233,069.00 shall be set aside and then deposited in an account maintained by the United States Marshal's. This money shall be considered a substitute asset for the real property described in the second superseding indictment. The Marshal's shall hold said monies and all interest which may accrue thereon pending further order from this Court. This Order is being entered without prejudice to any party in this matter to file a claim for said money and to resolve the questions of ownership and forfeiture of said money as a substitute for the real estate property described in the second superseding indictment.

DONE AND ORDERED in Hato Rey, Puerto Rico, this 25th day of September, 2006.

S/JOSE ANTONIO FUSTE
UNITED STATES DISTRICT JUDGE

cc: Edward R. Shohat, Esq.
Bierman, Shohat & Loewy, P.A.
Aramis Rios, Esq.
Assistant United States Attorney
United States Marshals